

**Village of Hamilton  
Zoning Board of Appeals  
September 28, 2010  
7:00pm  
Village Courthouse**

**APPROVED MINUTES**

**Present:** Chairman Michael Clough; Trustee Margaret Miller; CEO Paul McGinnis; Members: Morgan Davies, Marilyn Upton, Tim Trueworthy, Corey Landstrom.

**Public Present:** Stephen Klingaman & Margaret Wehrer, 43 W. Kendrick Ave; Bruce Ward, 43 W. Kendrick Ave; Sydney Landstrom, resident.

**Call to Order:** Chairman Clough called the meeting to order at 7:00pm

**Approval of Agenda:** Approved as written.

**Approval of Minutes:** Chairman Clough requested the words “than existing use” be added to Page 2, under Justifications #1. A **motion** was made by Member Upton to approve the minutes of the **August 12, 2010**, meeting as amended. The **motion** was seconded by Member Landstrom and carried.

**New Business**

**43 W. Kendrick Ave./Appendix A, Schedule II, R1 Front & side setback**

Bruce Ward, representing the Klingaman’s, gave a brief overview of the project which will include two alterations. Removal of an enclosed side porch, replacing with a new two story volume with a bedroom on each floor and secondly to remove the front vestibule and replace with a covered porch. The porch is 28' from the curb which is more than neighbors porches. Mr. Ward asked to modify the pictures/drawings previously presented to the Board. The front porch will no longer have recessed steps, allowing for more use of the porch. Member Upton thanked Mr. Ward for his thoroughness of materials provided. The new setbacks will be 7.1' side, 11' rear, and 8.6' front. The project is not in violation of NYS uniform code, confirmed by CEO McGinnis. Mr. Klingaman stated there are no objections from the neighbors. No Board Members have received objections. Member Landstrom stated he has no concerns, that the proposed work is in line with the existing boundaries.

A **motion** was made by Member Landstrom to approve the area variance with clarification of the front steps. The **motion** was seconded by Member Davies and carried.

Chairman Clough stated they must justify their decision.

- 1) An older neighborhood, does not correspond with existing zoning;
- 2) Neighbors have made no attempt to contact Board with objections;
- 3) Does not detract from the character of the neighborhood;
- 4) Owners have no alternatives, not adding to existing footprint;
- 5) Enhances the property;
- 6) Not self created.

There being no further business to come before the Board, Member Upton made a **motion** to adjourn. The **motion** was seconded by Member Trueworthy and carried. The meeting adjourned at 7:20pm.

Respectfully submitted,

Kim Taranto